

1 ROBERT PHILLIPS
Nevada Bar No. 11441
2 RYAN KERBOW
Nevada Bar No. 11403
3 **PHILLIPS, SPALLAS & ANGSTADT LLC**
4 504 South Ninth Street
Las Vegas, Nevada 89101
5 (702) 938-1510
6 rphillips@psalaw.net
rkerbow@psalaw.net

7 *Attorneys for Defendant*
8 *Wal-Mart Stores, Inc.*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 RUTH KOLAS,

12 Plaintiff,

13 v.

14 WAL-MART STORES INC.; DOES I-X,
15 inclusive, and ROE CORPORATIONS I-X,
inclusive,

16 Defendants.

Case No.: 2:17-cv-01597-APG-NJK

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES

[FOURTH REQUEST]

17
18
19 Plaintiff RUTH KOLAS ("Plaintiff") and Defendant WAL-MART STORES, INC. ("Walmart"),
20 by and through their respective counsel of record, do hereby stipulate to extend the discovery deadlines in
21 the present case for a period of 21 days Pursuant to Local Rule IA 6-1 and Local Rule 26-4.

22 Pursuant to Local Rule IA 6-1(a), the parties hereby aver that this is the fourth such discovery
23 extension requested in this matter.

24 **DISCOVERY COMPLETED TO DATE**

- 25
- 26 • The parties have conducted an FRCP 26(f) conference and have served their respective
FRCP 26(a) disclosures;
 - 27 • Walmart has served written discovery to Plaintiff, and Plaintiff has served responses;
 - 28 • Plaintiff has served written discovery to Walmart, and Walmart has served responses;

- Walmart has deposed Plaintiff;
- Walmart has deposed Plaintiff's fact witness, Samantha Kirk;
- Plaintiff has deposed Walmart employee, Paulina Villa;
- Plaintiff has deposed Walmart employee, Luis Eduardo Perez;
- Plaintiff has deposed Walmart's Rule 30(b)(6) witnesses;
- Plaintiff has conducted a Rule 34 inspection of the premises;
- Plaintiff has deposed former Walmart employee, Rene Clemente.

**DISCOVERY TO BE COMPLETED AND
REASONS FOR EXTENSION OF DISCOVERY**

Discovery to be completed includes:

- Disclosure of expert witnesses;
- Depositions of expert witnesses and treating medical providers;
- Rule 35 examination of Plaintiff.

The parties aver, pursuant to Local Rule 26-4, that good cause exists for the requested extension. Despite good faith efforts by counsel, the parties have been unable to conduct a Rule 35 examination of Plaintiff. In particular, Defendant noticed Plaintiff's Rule 35 examination to occur on March 23, 2018. Dr. McIntire flew in that morning from San Francisco, and began a Rule 35 examination in another case (at the same location as Plaintiff's Rule 35 examination) at 8:00 a.m. Upon information and belief, during that earlier Rule 35 examination, disagreement arose between Dr. McIntire and the *pro se* plaintiff and his spouse, which resulted in the prolonging of the examination. Upon information and belief, Plaintiff waited for her examinaion until 9:40 am. (i.e. 40 minutes after the scheduled start time), then left the facility. Plaintiff leaving at that time was consistent with the terms of the stipulation the parties entered for the Rule 35 examination, which required her to wait for 15 mintues past the starting time.

Plaintiff and her counsel are amenable to Plaintiff returning for a Rule 35 examination. Further, Defendant has made diligent efforts to reschedule the Rule 35 examination in time for the expert disclosure deadline of April 12, 2018. However, due to Dr. McIntire's schedule, the parties are in need of

1 a three-week extension to have the Rule 35 examination prior to the expert disclosure deadline.

2 The parties have acted in good faith to request this extension and have no intent, nor reason, to
3 delay the resolution of this matter.
4

5
6 **[PROPOSED] NEW DISCOVERY DEADLINES**

7 Discovery Cut-Off Date

8 Currently: June 11, 2018

9 Proposed: July 2, 2018

10 Expert Disclosure Deadline

11 Currently: April 12, 2018

12 Proposed: May 3, 2018

13 Rebuttal Expert Disclosure Deadline

14 Currently: May 14, 2018

15 Proposed: June 4, 2018

16 Dispositive Motion Deadline

17 Currently: July 11, 2018

18 Proposed: August 8, 2018

19 Joint Proposed Pre-Trial Order

20 Currently: August 10, 2018, or 30 days after resolution of dispositive motions per

21 Local Rule 26-1(e)(5).

22 Proposed: September 7, 2018, or 30 days after resolution of dispositive

23 motions per Local Rule 26-1(e)(5)
24
25
26
27
28

//

//

1 If this extension is granted, all depositions mentioned above, a Rule 35 examination of Plaintiff,
2 and expert disclosures should be concluded within the stipulated extended deadline. The parties aver that
3 this request for extension of discovery deadlines is made by the parties in good faith and not for the
4 purpose of delay.
5

6
7 DATED this 12th day of April, 2018

DATED this 12th day of April, 2018.

8 /s/ Kimberly Valentin

/s/ Ryan Kerbow

9
10 KIMBERLY VALENTIN, ESQ.
Nevada Bar No. 12509
DE CASTROVERDE LAW GROUP
11 1149 S. Maryland Pkwy
Las Vegas, NV 89104

RYAN KERBOW
Nevada Bar. No. 11403
PHILLIPS, SPALLAS & ANGSTADT, LLC
504 South Ninth Street
Las Vegas, Nevada 89101

12
13 *Attorneys for Plaintiff*
Ruth Kolas

Attorneys for Defendant
Wal-Mart Stores, Inc.

14
15
16 **IT IS SO ORDERED:**

17
18 
UNITED STATES MAGISTRATE JUDGE

19 **DATED:** April 13, 2018
20
21
22
23
24
25
26
27
28